

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LELAND FOSTER,

Plaintiff,

v.

Case No. 1:14-cv-14660
Hon. Thomas L. Ludington

MISTRINI, LLC, a Michigan
limited liability company,

Defendant.

STIPULATION TO ENTRY OF CONSENT JUDGMENT

Plaintiff Leland Foster and Defendant Mistrini, LLC, by and through their undersigned attorneys, stipulate and agree to entry of the accompanying Consent Judgment, which adjudicates all the claims of all the parties and ends this action.

/s/ Owen B. Dunn, Jr.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LELAND FOSTER,

Plaintiff,

Case No. 14-cv-14660

v

Honorable Thomas L. Ludington

MISTRINI, LLC, a Michigan limited liability
company,

Defendant.

CONSENT JUDGMENT

This matter came before the Court on the Complaint filed by Plaintiff Leland Foster against Defendant Mistrini, LLC (“Defendant”) alleging that the hotel owned by Defendant (the “Hotel”) is a place of public accommodation within the meaning of the Americans With Disabilities Act, 42 USC § 12181, *et seq.* (the “ADA”) and the Michigan Persons With Disabilities Civil Rights Act, MCL 37.1301, *et seq.* (the “PWDCRA”), and that the Hotel was not in compliance with the ADA and the PWDCRA and the regulations promulgated thereunder. The Complaint sought both money damages and injunctive relief “requiring Defendant to make all readily achievable alterations to allow full and equal enjoyment of” the Hotel. The parties have agreed to enter into this Consent Judgment resolving all claims associated with this litigation, and the Court is fully advised in the premises.

Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED** that judgment is entered in favor of Plaintiff and against Defendants, jointly and severally, awarding damages in the amount of \$3,750.00, which includes all damages, taxable costs, attorneys’ fees or any other sums to which Plaintiff or his counsel may be entitled.

It is further **ORDERED, ADJUDGED and DECREED** that Defendant shall, within two hundred seventy (270) days of the date of entry of this Consent Judgment, make the following alterations to the Hotel:

1. Properly mark access aisles serving handicapped parking spaces so as to discourage parking within such access aisles. Access aisles shall be marked at a width of at least 60 inches.
2. Relocate the partition currently located adjacent to the Hotel front door so that sufficient space is available between the partition and the front door to allow wheelchair access thereto.

It is further **ORDERED, ADJUDGED and DECREED** that Plaintiff has been afforded the opportunity to inspect the Hotel (with an expert, if desired) and all conditions existing thereon and, upon completion of the foregoing alterations, the Hotel shall be compliant in all respects with the ADA, the PWDCRA, all regulations promulgated thereunder, and the Guidelines.

It is further **ORDERED, ADJUDGED and DECREED** that this Consent Judgment adjudicates all the claims of all the parties and ends this action.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 4, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 4, 2015.

s/Tracy A. Jacobs
TRACY A. JACOBS